

# Romania

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## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining	Following abolition of national agreement, likely to be industry and enterprise	
	Workplace Representation	Union	
	Board-level Representation	No	
National worker representation	Employee representation at the workplace is through the unions, although legislation does provide for employee representatives to be elected if there are no union members. Workplace union structures potentially play a key role in collective bargaining but they also have significant consultation rights.		
Principal legal documents on H&S	Health and safety are covered by the 1996 Act on protection at work, which was amended in October 2000. An Act of June 1999 relates to the setting up and structure of the labour inspectorate. Today, Health and safety are covered by the Law No 53/2003 – Labour Code (published in the Official Gazette of Romania, Part I, No 225 of 31 March 2011).		
Public authorities on H&S	The Ministry of Labour, Family and Social Protection is the competent authority in the OSH field. The Ministry of Public Health is the central authority in the field of public health welfare. The implementation of the general and special regulations in the field of labour relationships, labour safety and health are subject to the control by the Labour Inspection Office (IM). Territorial labour inspectorates are organised in each county and in Bucharest municipality.		
Employers' obligations on H&S	The employer shall be under the obligation to ensure the employees' safety and health in all work related aspects. Within his own responsibilities, an employer shall take all the necessary steps with a view to protecting the safety and health of employees, including the activities of occupational risks prevention, intraining and training, as well as implementing the organisation of labour safety and the necessary means for this. In drawing up the labour safety and health measures, the employer shall consult the trade union or, as the case may be, the employees' representatives, as well as the labour safety and health committee. Also, the employers shall ensure the employees' access to the medical service of labour medicine.		
Worker representative bodies on H&S	In drawing up the labour safety and health measures, the employer needs to consult the trade union or, as the case may be, the employees' representatives, as well as the labour safety and health committee. Safety representatives are compulsory in enterprises with more than 20 employees. A labour safety and health committee shall be established for the purpose of making sure the employees are involved in the drawing up and implementation of labour safety decisions. In principle, such a committee must be created in undertakings as from 50 workers. In practice however, this obligation is only respected in enterprises with a strong trade union representation. Furthermore, there are no sanctions towards enterprises not complying to the rule.		
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>	<i>Scope of influence</i>
	Economic and Social Council (Consiliul Economic și Social, CES)	CES acted as forum of tripartite national social dialogue for the government, trade unions and the employers; organisations until October 2011, when the SDA abolished the CES Act 109/1997. Under new legislation, the government is no longer represented in this forum, and the forum is no longer vested with prerogatives regarding collective bargaining. CES has become a forum for tripartite dialogue between employers, unions, and civil society.	National
	National Tripartite Council for Social Dialogue (Consiliul Național Tripartit de Dialog Social, CNTDS)	Chaired by the prime minister, one of the tasks of the CNTDS is to 'make the necessary arrangements for consultations	National

		on the guaranteed minimum wage according to law'. Among its members are presidents of the national trade union and employer confederations, government representatives from each ministry, the National Bank of Romania (BNR), the president of the CES, as well as other members who are jointly agreed upon with the social partners.		
	National consultation body of labour inspection (since September 2012)	Platform for information and consultation between the representative of the trade union confederation, the representative of Employers confederation and representatives of labour inspection together with the senior labour inspector. Labour ministry decision according to the law108/1999.	National	
	Tripartite management body of working accident and professional diseases fund (without of any activity since April 2004)	By law (no 346/2002), this should normally be the main management body for all the activities concerning insurance for working accidents and professional diseases. Composed of 9 persons: 3 from government, 3 from employer and 3 from employees.	National	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	N/R	N/R	N/R	N/R

## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	Employee representatives are compulsory for each enterprise having more than 20 employees. These representatives should, amongst others, address the H&S issues from the employees to the employer or his representative.  Health and safety committees are as a rule set up in undertakings with more than 50 employees. These committees are composed of employers representatives, employees representatives (H&S reps), occupational physicians and the enterprise safety responsible. This committee should be the main body concerning designing and monitoring the H&S policy at the enterprise level. However, there are considerable differences between the theory and the practice. The legislation requiring employee health and safety representation is in fact applied properly only in highly unionised undertakings. Furthermore, there is no penalisation of employers who refuse to set up health and safety committees.
Interaction of H&S representation with the general representation of workers	The employees' representatives have responsibilities in a variety of fields (wages, work conditions, work time and rest time, labour stability, ...). Health & Safety concerns are one of them. Such employee representatives can be elected at enterprise level. In enterprises with more than 20 employees where no trade union exists, the employees' interests may be represented and defended by representatives elected and duly authorised for this purpose. The powers of the employees' representatives and the length of their term are decided by the general meetings of the employees, subject to law. In addition, the employer's board of directors or similar body must invite the trade unions' representatives to attend its meetings. Employee representatives can observe proceedings and express their opinion, but have no voting rights.
<b>Worker representation bodies on H&amp;S at work</b>	
Implementation of worker representation in H&S on enterprise	All workers, regardless of trade union membership or not. On a country level, however, less than 10% of total workers are covered.

<i>level</i>		
<i>Thresholds of implementation</i>	Employee / safety representatives are compulsory in enterprises with more than 20 employees. The labour safety and health committee shall be established as from 50 employees.	
<i>Role of the trade unions</i>	Usually the local trade unions decide who will be the safety or the employees representatives inside the H&S committees. Provided that at least 15 persons employed by the enterprise wish to affiliate, a trade union may seeks to be representative, and have the power to negotiate and execute a collective agreement at enterprise level.	
<i>Composition, mode of nomination or election of members</i>	For H&S committees, the compulsory composition is: the employers (or his representatives), the elected workers representatives, and equal number of management representatives (the numbers of representatives of two parts are according to the enterprise size), the occupational physician of the enterprise, the responsible from the enterprise site of technical H&s prevention service. Employees' representatives are elected in the employees' general meeting, based on the vote by at least half of the total number of employees. The duration of the mandate is set at 2 years. The number of elected representatives of the employees shall be established by mutual agreement with the employer, in proportion to the number of employees.	
<i>Area of competencies</i>	Risk prevention, working conditions, prevention of working accidents and occupational diseases	
<i>Functions</i>	Theoretically, the H&S Committee is the body for building all H&S policy at the enterprise level. However, practical consultation and monitoring are the main functions in reality.	
Rights of workers' representatives on H&S		
<i>Right of withdrawal, of production stop in case of immediate danger</i>	Yes	
	N/A	
<i>Right to conduct surveys</i>	Yes	
	N/A	
<i>Right to require external assessments</i>	Yes	
	N/A	
<i>Right to lodge an appeal</i>	Yes	
	Labour Inspection Office has a verifying role. As Romania does not have labour courts, employees may bring action before civil courts against breaches of the rights under the Labour Code, collective agreements, or individual employment contracts.	
<i>Right to receive training</i>	Yes	
	N/A	
	<i>Amount of training</i>	According the law: "as much as necessary"
	<i>Frequency of training</i>	Maximum one week each year
	<i>Training providers</i>	This kind of training (very useful for employees representatives) can only be delivered by the trade union (or trade unions institutes).
<i>Allocated time during working hours to conduct their role</i>	Yes	
	The time assigned to the representatives of the employees for the fulfilment of their mandate is 20 hours per month. This time shall be regarded as time actually worked and shall be paid accordingly.	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	Legally, for the entire duration of their mandate, the employees' representatives may not be dismissed for reasons relating to carrying out the mandate received from the employees. In practice, there are no effective tools to enforce this regulation.	
<b>Link and the nature of the relations between the employee representatives and the trade unions</b>	Usually the trade unions nominate employees representatives. If there is an election process, the trade union proposes the candidates and is involved in organisation and monitoring the election.	

## PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

### Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	Objectives of these changes	Mainly with negative impact. The main objective was to be in line with the European practices by justifying the need to implement the European H&S culture. According to the trade union, the real aim has been the externalization of preventive services without any qualitative guarantee.
	Management of these changes	Strong legal support
	Effects on the improvement or deterioration of the handling of these issues	The external prevention activities are now out of the control of the labour inspection
Assessment of the achievements on H&S issues through social dialogue	Deteriorating	
	Some important milestones	According to the trade union, it became more comfortable to have nice papers (legal framework), than to have real safety work environment

### Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	There is a very bad H&S culture and no good training, especially for employers. There is also not enough support from government.
Existing key success factors	Political openness (government) and good quality training for social partners

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## PART 4 – APPENDICES

### Glossary

IM	Labour Inspection Office
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### Interesting links

National R&D Institute for Labour Protection "Alexandru Darabont" (<http://www.inpm.ro>);  
Labour Inspection (<http://www.inspectmun.ro>);  
Ministry of Labour, Family and Social Protection (<http://www.mmuncii.ro>)

### Sources

Trade union contacts	National Free Trade Unions Confederation from Romania -Fratia (CNSLR-FRATIA)	CONSTANTINOAIA Corneliu
Other	<ul style="list-style-type: none"> <li>- <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a></li> <li>- Questionnaire reply</li> <li>- Labour code</li> <li>- Eurofound</li> <li>- EU OSHA</li> <li>- Ministry of Labour, Family and Social Protection</li> </ul>	